PTO/SB/08B (07-05)

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	ute for form 1949/PTO			Application Number	10	1665,518			
INF	ORMATION	I DIS	CLOSURE	Filing Date	Sept	ember 22, 2003			
ST	ATEMENT 6	BY A	PPLICANT	First Named Inventor	Stam	ım			
	Ales es mesu eb			Art Unit	1615				
(Use as many sheets as necessary)				Examiner Name	Sheil				
Sheet	1	of	9	Attorney Docket Number	26	24620			

	:	NON PATENT LITERATURE DOCUMENTS	_
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T²
		Laboratoires Fournier undated document entitled "Fenofibrate Tablets 54-160 mg Dissolution	
		Test Conditions Development Studies, Dissolution Fest Specification Recommendations*  NO DATE	
	2	"Second Amended Answer, Affirmative Defenses, and Counterclaims" filed by Teva on 7-29-2005 in Abbott Laboratories et al v. Teva Pharmaceuticals USA, Inc. DE, CA No. 02-1512.	
	3	"First Amended Counterclaims" filed by Impax on 9-23-2005 in Abbott Laboratories et al v. Impax Laboratories, Inc., Delaware, CA No. 03-120-KAJ.	
	. 4	"Amended Complaint" filed by CVS Pharmacy et al on 9-23-2005 in In Re TriCor Direct Purchaser Antitrust Litigation, Delaware, CA No. 05-340.	
	5	"Amended Complaint" filed by Walgreen Co. et al on 9-23-2005 in In Re TriCor Direct Purchaser Antitrust Litigation, Delaware, CA No. 05-340.	
	6	"Amended Complaint" filed by Painters' District Council No. 30 et al on 9-23-2005 in In Re TriCor Direct Purchaser Antitrust Litigation, Delaware, CA No. 05-340.	
	7	"Amended Complaint" filed by Louisiana Wholesale Drug Co. et al on 10-3-2005 in In Re TriCor Direct Purchaser Antitrust Litigation, Delaware, CA No. 05-340.	
	8	"Defendant's Responses to Plaintiffs Interrogatories" filed by Impax on 8-6-2003 in Abbott Laboratories et al v. Impax Laboratories, Inc., Delaware, CA No. 03-120-KAJ.	
	<sub>.</sub> 9	"Amended Answer" filed by Impax on 1-4-2005 in Abbott Laboratories et al v. Impax Laboratories, Inc., Delaware, CA No. 03-120-KAJ.	
<b>%</b>	10	"Reply Memorandum" filed by Impax on 2-25-2005 in Abbott Laboratories et al v. Impax Laboratories, Inc., Delaware, CA No. 03-120-KAJ.	

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<sup>\*</sup>EXAMINER: Initial lifeference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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3005000	Mais iom 1445/FTO			Application Number	10	1665,518	
INF	ORMATION	DIS	CLOSURE	Filing Date	mber 22, 2003		
STA	TEMENT B	SY A	PPLICANT	First Named Inventor	Stamm		
	(line on more obs	- <b>4</b>		Art Unit	1615		
(Use as many sheets as necessary)				Examiner Name	Sheikh		
Sheet	2	of	9	Attorney Docket Number	22	14620	

	,	NON PATENT LITERATURE DOCUMENTS	
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T²
0/8	11	"Memorandum Opinion" by District Judge Jordan dated 5-6-2005 in Abbott Laboratories et al v. Impax Laboratories, Inc., Delaware, CA No. 03-120-KAJ.	
	12	"Opening Brief in Support of Motion for Summary Judgment" by Teva filed on 12-23-2004 in Abbott Laboratories et al v. Teva Pharmaceuticals USA, Inc., Delaware, CA No. 02-1512.	·
	13	"Opening Brief in Support of Motion for Summary Judgment" by Teva filed on 12-10-2004 in Abbott Laboratories et al v. Teva Pharmaceuticals USA, Inc., Delaware, CA No. 02-1512.	
	14	"Memorandum Opinion" by District Judge Jordan dated 5-6-2005 in Abbott Laboratories et al v. Teva Pharmaceuticals USA, Inc., Delaware, CA No. 02-1512.	
	15	Opposition to European Patent No. 1 273 293 filed 9-2-2005 by Ethypharm (French Language Docuement).	
	16	Opposition to Israel Patent No. 130790 filed 5-4-2005 by Teva; and Remarks in Response to Oppostion filed on 9-23-2005 (English language translations).	<b>V</b>
	17	Munoz et al, Atherosclerosis, 110(Suppl.):S45-S48 (1994).	
	18	Pharmaceutical Pelletization Technology, Marcel Dekker, Inc., Volume 37, pages 1-13; 160-161; and 234-235 (1989).	
	19	Modern Pharmaceutics, Third Edition, Marcel Dekker, Inc., apges 131-133 and 335-356 (1996).	
0/8	20	Pharmaceutical Dosage Forms, Tablets, Second Edition, Marcel Dekker, Inc., pages 5-28; 88-107; 133; 142; 160-165; and 260-267 (1989).	

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Signature	Jumeral Short	Considered	7-24-06

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Under the Paperwork Reduction Act of 1995, no persons a Substitute for form 1449/PTO	Complete If Known		
Substitute for form 1445F 70	Application Number	10/665,518	
INFORMATION DISCLOSURE	Filing Date	September 22, 2003	
STATEMENT BY APPLICANT	First Named Inventor	Stamm .	
(Use as many sheets as necessary)	Art Unit	1615	
(Ose as many sheets as necessary)	Examiner Name	Sheikh	
Sheet 3 of 9	Attorney Docket Number	224620	

			NON PATENT LITERATURE DOCUMENTS	
Exam Initial		Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
9	X	21	Shepherd Atherosclerosis, 110(Suppl.)S55-S63 (1994).	
		22	Adkins et al, Drugs, 54(4):615-633 (October 1997).	
		23	Letter from Teva/Novopharm to Fournier Pharma Inc. regarding Invalidity and Ambiguity of Canadian Patent Nos. 2,219,475 and 2,372,576 (pages 1-15)(September 19, 2005).	
		24	Declaration under 37 CFR 1.132 by Phillippe Reginault filed in US Application No. 10/288,425 on March 7, 2005.	
		25	Pharmaceutical Pelletization Technology, Ghebre-Sallassie, Ed., Marcel Dekker, Inc., New York, Chapters 7 and 10 (1989).	
П		26	Handbook of Pharmaceutical Excipients, 2nd Ed., pages 48-87, 141-144, 229-232, 252-261, 280-282, 392-401, 424-427, 448-450, 462-469, 491-493 (1994).	
		27	Remington's Pharmaceutical Sciences, 18th Ed., pages 1633-1665 (1985).	
		28	European Pharmacopoeia, 3rd Ed., pages xiii-xvii and 127-131 (1996).	
		29	The United States Pharmacopoeia, Vol. 23, pages liv-lvi, 1791-1793, 1924-1938 (1994).	
q	8	30	CRC Handbook of Chemistry & Physics, 73rd Ed., Chapter 15, page 32 (1992).	

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Substitute for form 1449/PTO	Complete if Known			
· ·	Application Number	10/665.518		
INFORMATION DISCLOSURE	Filing Date	September 22, 2003		
STATEMENT BY APPLICANT	First Named Inventor	Stamm		
(Use as many sheets as necessary)	Art Unit	1615		
(Usa as muny sneets as necessary)	Examiner Name	Sheikh		
Sheet 4 of 9	Attorney Docket Number	224620		

			NON PATENT LITERATURE DOCUMENTS	
Examiner Initials*		Cite No. <sup>1</sup>		
9	Q	31	Suzuki et al, Chem. Pharm. Bull., 49(4):373-378 (2001).	
		32	Shah et al, International Journal of Pharmaceutics, 125:99-106 (1995).	
		33	Giunchedi et al, International Journal of Pharmaceutics, 130:41-47 (1996).	
		34	Sangalli et al, Boll. Chim. Farmaceutico, 128(7-8):242-247 (1989).	
		35	Kuchiki et al, "Stable Solid Dispersion System Against Humidity," Yakuzaigaku, 44(1):31-37 (1984).	
		36	Guichard et al, "A New Formulation of Fenofibrate: Suprabioavailable Tablets," Current Medical Research and Opinion, 16(2):134-138 (2000).	
		37	Boullay, "Microgrinding and Dissolution," S.T.P. Pharma, 1(4):296-299 (1985). (French-language document and English language translation).	1
		38	International Dictionary of Medicine and Biology, Volume 2, page 1774, John Wiley & Sons, Inc. (1986).	
		39	Opposition to EP 952 829 by Winthrop Arzneimitel GmbH filed March 31, 2005.	
Q	2	40	Opposition to EP 952 829 by Laboratoires SMB SA filed April 11, 2005.	

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		NON PATENT LITERATURE DOCUMENTS	
Examiner Initials*	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T²
9/8	41	Papers filed on April 15, 2005, by Ethypharm in Response to Patent Proprietor's Statement of Opposition to EP 952 829.	
	42	Opposition to EP 0 952 829 by Ethypharm filed December 11, 2003.	✓
	43	Handbook of Pharmaceutical Excipients, Second Edition, pages 392-399 (1994).	
	44	Complaint, US District Court for the District of Delaware, Civil Action No. 04-350, Reliant Pharmaceuticals v. Abbott Laboratories et al (June 1, 2004).	
0/3		Declaration under 37 CFR 1.132 by Pascale Bloquin filed in US Application No. 09/899,026 on March 7, 2005.	·
		Laboratoires Fournier's Lab Notebook No. 1 (attached as Exhibit 1 (French) and Exhibit 3 (English translation) to the 132 Declaration by Bloquin).	^
		Exhibit 4 (English translation) to the 132 Declaration by Bloquin). NO DATE	7
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	Substitute for form 1449/PTO	Cor	mplete if Known	1
		Application Number	10/665.518	_
	INFORMATION DISCLOSURE	Filing Date	September 22, 2003	_
		First Named Inventor	Stamm	
	STATEMENT BY APPLICANT	Art Unit	1615	
	(Use as many sheets as necessary)	Examiner Name	Sheikh	_
$\overline{}$	Sheet 6 of 9	Attomey Docket Number	224620	7

				DOCUMENTS	
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant
6		Number-Kind Code <sup>2 (F Immun)</sup>		Figures Appear	
$\alpha x$		<sup>US-</sup> 6,027,747	02-22-2000	Terracol et al	
10		<sup>US-</sup> 5,633,015	05-27-1997	Gillis et al	·
		US- 5,145,684	09-08-1992	Liversidge et al	
		<sup>US-</sup> 4,629,624	12-16-1986	Grouiller et al	
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		<sup>US-</sup> 2005/0032878 A1	02-10-2005	Deboeck et al	
		<sup>US-</sup> 4,961,890	10-09-1990	Boyer	
		<sup>US-</sup> 6,159,499	12-12-2000	Seth	
		<sup>US-</sup> 6,207,198	03-27-2001	Seth	
		<sup>US-</sup> 6,248,355	06-19-2001	Seth	
		<sup>US-</sup> 4,795,643	01-03-1989	Seth	
		<sup>US-</sup> 5,824,341	10-20-1998	Seth et al	·
		<sup>US-</sup> 6,096,341	08-01-2000	Seth	
	Î	us- 6,033,686	03-07-2000	Seth	
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		<sup>US-</sup> 6,117,453	09-12-2000	Seth et al	
		<sup>US-</sup> 6,348,469	02-19-2002	Seth	
1,		<sup>US-</sup> 4,463,743	03-13-1984	Schonafinger et al	
CNB	Ī	<sup>US-</sup> 4,716,033	12-29-1987	Denick, Jr.	

		FORE	IGN PATENT DOCL	IMENTS		
Examiner Initials*	Cite No.1	Foreign Patent Document	Publication Oate	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages	
		Country Code <sup>3</sup> Number <sup>4</sup> 'Xind Code <sup>8</sup> (If known)	MM-DD-YYYY		Or Relevant Figures Appear	٣
QLS		CA 2,142,848	CA 2,142,848   03-17-1994	Janssen Pharmaceuticals		
-		CA 960,670	01-07-1975	Orchimed SA		
		WO 98/31360	07-23-1998	Pharma Pass		
		WO 97/12581	04-10-1997	Pharma Pass		
	4	CA 2,219,475	07-09-2002	Laboratoires Fournier		L
7	<b>\$</b>	CA 2,372,576	02-10-2004	Laboratoires Fournier		

Examiner Signature Olympia Market D7-24-06

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Sheet 7

Attorney Docket Number

				DOCUMENTS	
Examiner Initials*	Cita No.	Document Number  Number-Kind Code <sup>2 (F Anown)</sup>	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
MS		<sup>US-</sup> 4,588,058	12-10-1985	Schonafinger et al	
4		<sup>US-</sup> 4,957,746	09-18-1990	Valducci	
$\neg \vdash$		us- 4,806,361	02-21-1989	Harrison et al	
		US- 4,820,521	04-11-1989	Panoz et al	
		<sup>US-</sup> 4,663,150	05-05-1987	Panoz et al	
	-	<sup>US-</sup> 2,953,497	09-20-1960	Press	
		US- 4,524,060	06-18-1985	Mughal et al	
$\neg \vdash$		US- 4,721,709	01-26-1988	Seth et al	
7.		<sup>US-</sup> 5,073,379	12-17-1991	Klimesch et al	
<u>(18)</u>		US- 4,684,516	08-1987	Bhutani	
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		FORE	IGN PATENT DOCU	IMENTS		
Examiner Initials*	Cite No.1	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	10
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	MM-DD-YYYY		Of Kelevatit Figures Appear	<u> </u>
C/Q		WO 96/21439	07-18-1996	Galephar PR Inc.		
4		WO 03/013500	02-20-2003	Laboratoires SMB SA		
		EP 0 012 523	06-25-1980	American Home Products		
		WO 97/12580	04-10-1997	Pharma Pass		
		EP 0 179 583	04-30-1986	Merck & Co.		
CVA		EP 0 193 958	09-10-1986	PPG industries, Inc.		

Examiner Signature Quantity Orogida Date Considered 7-24-06

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	INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many shoots as necessary)	Filing Date	September 22, 2003
		First Named Inventor	Stamm
		Art Unit	1615
	(Use as many sheets as necessary)	Examiner Name	Sheikh
て	Sheet 8 of 9	Attorney Docket Number	824620

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Examiner Initials*	Cite No.1	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages of Relevant Figures Appear
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Examiner Initials*	Cite No.	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages	Γ.
		Country Code <sup>3</sup> "Number <sup>4</sup> "Kind Code <sup>5</sup> (If known)	MM-DD-YYYY		Or Relevant Figures Appear	T⁰
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Examiner Signature Considered 7-24-06

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U. S. PATENT DOCUMENTS							
Examiner Initials*	Cite No.1	'Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevan Figures Appear		
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<i>W</i> 3		EP 0 256 933	02-24-1988	Ethypharm		
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Sheet 1

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete if Known				
Application Number	10/665,518			
Filing Date	September 22, 2003			
First Named Inventor	Stamm			
Art Unit	1615			
Examiner Name	Sheikh			
Attorney Docket Number	1 224626			

			U. S. PATEN	DOCUMENTS	
Examiner Initials*	Cite No.1	Document Number  Number-Kind Code <sup>2 (# known)</sup>	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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Sheet	2	of	2	Attorney Docket Number	6	224620	

		NON PATENT LITERATURE DOCUMENTS	
Examiner Initials*	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T²
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